

REMARKS

In the final Office action dated June 15, 2004, claims 1-5, 7-9, 12, 15, 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Martin (5,575,817). Additionally, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin; claim 11 was rejected under § 103(a) as being unpatentable over Martin in view of Drasler (6,451,051); and claims 6, 18 and 20-23 were rejected under § 103(a) as being unpatentable over Martin in view of Leonhardt et al. (5,713,917).

Significantly, claim 1 recites a system including a first sheath having a first treatment component, the first sheath being configured to receive a subsequent treatment component after the first treatment component is deployed. In rejecting claim 1 and a number of its dependent claims, the Examiner characterized the Martin reference as disclosing "that there is a plurality of subsequent treatment components (Figure 1, Reference Numbers 9 and 1) and that the first sheath is retracted to deploy the treatment components (Column 2, Line 15) after restraining the component in a compressed configuration (Column 4, Lines 8-10)." In fact, the Martin reference actually teaches a second stage of a method of assembling a graft device within vasculature involving a second catheter device containing a second section of a graft which is introduced from a contralateral side of a patient's body (See Column 4, lines 17 et seq.). Accordingly, whereas independent claim 1 requires employing the recited first sheath to have a first treatment component as well as to receive a subsequent treatment component, the Martin patent teaches utilizing a second catheter to deploy a second section of a graft. Therefore, it is respectfully submitted that the Martin patent does not anticipate claims 1-5, 7-9, 12, 15, 16 and 17.

For similar reasons, it is respectfully submitted that independent claims 18 and 20 are allowable over the cited combination of the Martin and Leonhardt et al. references. Independent

claim 18 recites a system including an introducer sheath configured to mate with a loading capsule assembly to facilitate the transfer of a plurality of endovascular graft components from the loading assembly. Independent claim 22 recites a method involving retracting an introducer sheath to deploy an endovascular graft component and mating a loading capsule with the introducer sheath as well as deploying a subsequent endovascular graft component by retracting the introducer sheath. As such, each of independent claims 18 and 22 require employing a single introducer sheath to deploy multiple components within vasculature. As stated previously, however, the Martin patent does not contemplate such an approach but rather teaches employing a second catheter device to deploy a second section of a graft within vasculature. Since Martin lacks the teaching of a single introducer sheath for accommodating and deploying multiple components but in fact teaches a contralateral approach to delivering subsequent graft components, it is respectfully submitted that there is no motivation to modify the Martin reference with the Leonhardt et al. reference as suggested by the Examiner. Accordingly, it is believed to be highly significant that MPEP 2145 states that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine referenced teachings and that MPEP 2143.01 states that "The mere fact that references can be modified or combined does not render the result in combination obvious unless the prior art also suggests the desirability of the combination." It is also notable that MPEP 2143.01 states that "If the proposed modification or combination of the prior art would change the principal operation of the prior art invention being modified, the teachings of the references are not sufficient to render the claims *prima facia* obvious." Therefore, it is believed that independent claims 18 and 22 are allowable over the cited art since there is a complete lack of motivation to combine the cited references. Moreover, since the

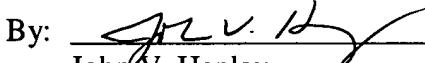
Martin reference teaches a contralateral approach for deploying subsequent graft components, the suggest modification of Martin to meet the claimed subject matter would impermissibly change the principle operation of the relevant aspects of Martin being modified.

CONCLUSION

Applicants have attempted to respond to each and every rejection set forth in the outstanding Office Action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
61579.1